

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend the Code of Virginia by adding in Article 10 of Chapter 10 of Title 46.2 a  
2 section numbered 46.2-1088.4, relating to event data recorders.

3 **Be it enacted by the General Assembly of Virginia:**

4 **1. That the Code of Virginia is amended by adding in Article 10 of Chapter 10 of Title**  
5 **46.2 a section numbered 46.2-1088.4 as follows:**

6 § 46.2-1088.4 Event data recorders; disclosure.

7 A. A manufacturer of a new motor vehicle sold or leased in this state, which is equipped  
8 with one or more recording devices commonly referred to as "event data recorders" (EDR) or  
9 "sensing and diagnostic modules" (SDM), shall disclose that fact in the owner's manual for the  
10 vehicle.

11 B. As used in this section, "recording device" means a device that is installed in the  
12 motor vehicle by the manufacturer of the vehicle and records, or transmits to a central  
13 communications system, performance or operation information about that vehicle, including but  
14 not limited to:

15 1. The speed of the motor vehicle or the direction in which the vehicle is traveling;

16 2. Vehicle location data;

17 3. Steering performance;

18 4. Brake performance, including, but not limited to, whether brakes were applied before  
19 a crash;

20 5. The driver's seatbelt status; or

21 6. Information concerning a crash in which the motor vehicle has been involved when a  
22 crash occurs.

C. Data that is recorded on a recording device may not be downloaded or otherwise retrieved by a person other than the registered owner of the motor vehicle, or lessee if the vehicle is leased, except under one of the following circumstances:

1. The registered owner of the motor vehicle, or lessor, if the vehicle is leased consents to the retrieval of the information;

2. In response to an order of a court of competent jurisdiction;

3. For the purpose of improving motor vehicle safety, security or traffic management, including for medical research of the human body's reaction to motor vehicle accidents, and the identity of the registered owner or driver, or lessee, if the vehicle is leased, is not disclosed in connection with that retrieved data. The disclosure of the vehicle identification number (VIN) without the last four digits does not constitute the disclosure of the identity of the registered owner, driver or lessee;

4. The data is retrieved by a licensed new motor vehicle dealer, or by an automotive repair facility, as defined in § 59.1-207.2, for the purpose of diagnosing, servicing, or repairing the motor vehicle; or

5. The data is retrieved to determine the need for or to facilitate an emergency medical response in the event of a motor vehicle crash.

D. A person authorized to download or otherwise retrieve data from a recording device pursuant to subdivision C 3 may not release that data, except to share the data among the motor vehicle safety and medical research communities, to advance motor vehicle safety, security or traffic management, and only if the identity of the registered owner, driver or lessee is not disclosed.

E. If a motor vehicle is equipped with a recording device that is capable to record or transmit information is part of a subscription service, the fact that the information may be recorded or transmitted shall be disclosed in the subscription service agreement. Subsection C shall not apply to subscription services meeting this requirement.

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F. This section applies to all motor vehicles manufactured for the model year 2007 and

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subsequent model years..

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